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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,117	12/17/2001	Bernardo De Oliveira Kastrup Pereira .	NL 000721	2411

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

ELLIS, RICHARD L

ART UNIT	PAPER NUMBER
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2183

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,117

Applicant(s)

DE OLIVEIRA KASTRUP PEREIRA
ET AL.

Examiner

Richard Ellis

Art Unit

2183

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. Claims 1-6 remain for examination.
2. The text of those sections of Title 35, US Code not included in this action can be found in a prior Office Action.
3. The following is a quotation of the first paragraph of 35 USC 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-6 are rejected under 35 USC § 112, first paragraph, for inadequate written description, i.e., as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The newly added claim limitation of "wherein more than one instruction is implemented with the same configuration is inadequately described by the originally filed specification. The sole description of the added limitation occurs on pg. 9 at lines 26-32 where it is mentioned that it is possible to have more than one instruction implemented by the same configuration. However, this bare mention of the possibility of performing this feat does not provide any written description support to convey to one of ordinary skill in the art how applicant actually implemented this system. At best, it shows conception, but lacks any showing of reduction to practice, and it is that reduction to practice that must be adequately described in the specification in order to provide an adequate written description of the invention.

5. Claims 1-6 are rejected under 35 USC 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Because of the lack of written description of the newly added feature of claim 1 as detailed above, the specification also does not provide an enabling disclosure that would allow one of skill in the art, without undue experimentation, to implement the invention now claimed. Because the sole mention of the newly claimed aspect is as a mere idea of the

possibility of a system that functions in the manner claimed, it is not possible that the specification can detail to one of skill in the art how to make the invention. Accordingly, in order to make the invention, one of skill in the art would have to perform undue experimentation. Therefore, the specification lacks enablement for the newly added claim limitation.

6. Claims 1-6 are rejected under 35 USC § 103 as being unpatentable over Hauck et al., *The Chimaera Reconfigurable Functional Unit*, The 5th Annual IEEE Symposium on FPGAs for Custom Computing Machines, April 16-18, 1997, in view of Trimberger, U.S. Patent 6,023,564.

Hauck et al. was cited as a prior art reference in paper number 8, mailed September 15, 2004.

7. The rejections are respectfully maintained and incorporated by reference as set forth in the last office action, paper number 8, mailed September 15, 2004.

Hauck et al. taught the claimed invention as detailed in the prior office action. Hauck et al. did not teach that more than one instruction was implemented by the same configuration. Trimberger taught a reconfigurable system where instructions (fig. 3, 300) are implemented by plural configurations (fig. 3, 301) wherein more than one instruction (first, second, and fifth instruction of fig. 3) was implemented by the same configuration word (first config word of fig. 3, col. 7 lines 29-34 and 37-40, in order to have a "large number of instructions ... implemented based on a smaller number of configurations" Trimberger must inherently have implemented more than one instruction with the same configuration word).

8. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Trimberger's system of plural instructions implemented by one configuration because of Trimberger's teaching that such saves a significant number of bits of storage for the various instructions (col. 7 lines 39-46).

9. Applicant's arguments with respect to claims 1-6 have been considered but are deemed to be moot in view of the new grounds of rejection.

10. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR § 1.136(a).


A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CFR § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Richard Ellis whose telephone number is (571) 272-4165. The Examiner can normally be reached on Monday through Thursday from 7am to 5pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Eddie Chan, can be reached on (571) 272-4162. The fax phone number for the USPTO is: (703)872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Richard Ellis
May 24, 2005



RICHARD L. ELLIS
PRIMARY EXAMINER